

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EVERETT SHELTON,

Plaintiff

v.

FCS CAPITAL LLC, et al.,

Defendants

Case No. 2:18-cv-03723-JDW

ORDER

AND NOW, this 11th day of December, 2019, upon consideration of Plaintiff James Everett Shelton's Motion for Summary Judgment (ECF No. 41), and for the reasons set forth in the Court's accompanying Memorandum, it is **ORDERED** that the Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. The Motion is **GRANTED**, and **JUDGMENT IS ENTERED** in favor of Plaintiff James Everett Shelton and against Defendants FCS Capital LLC, Emil Yashayev, and Barry Shargel on Counts I and II of Shelton's Amended Complaint (ECF No. 7) in the amount of \$27,000;

2. The Motion is **GRANTED**, and **JUDGMENT IS ENTERED** in favor of Plaintiff James Everett Shelton and against Defendants FCS Capital LLC, Emil Yashayev, and Barry Shargel on Counts III-VIII of Shelton's Amended Complaint (ECF No. 7) in the amount of \$27,000; and

3. The Motion is **DENIED** as to Count IX of Shelton's Amended Complaint.

It is **FURTHER ORDERED** that, on or before December 18, 2019, Shelton may submit a Memorandum, not to exceed five (5) pages, explaining why the Court should not enter summary judgment in Defendants' favor on Count IX of the Amended Complaint pursuant to Fed. R. Civ. P. 56(f)(1), given the analysis in the Court's Memorandum.

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J.